



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,910	03/18/2004	Chiho Fukunari	500.43661X00	5413
20457 7590 10/23/2007 ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			EXAMINER LEE, KWOK W	
			ART UNIT 4113	PAPER NUMBER
			MAIL DATE 10/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/802,910

Applicant(s)

FUKUNARI ET AL.

Examiner

Kwok Wing Lee

Art Unit

4113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004 and 02 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03/18/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Construction

Claim 3 states, setting the execution monitoring start date and time and the execution monitoring end date and time item by adding a predetermined period of time before (t1) and after (t4) a time zone between the execution start schedule date and time of the job (t2) and a point of time obtained by adding a execution result time of the job (t3) to the execution start schedule date and time (end of t1, start of t2). It was construed that the time period t4 overlaps t3, which overlaps t2, and that the total time periods accounted for in the execution monitoring start and end date and time are t1 and t4. The time frame of t1 and t4 is the period of time before a time zone between the execution start schedule date and the time of the job to after the point of time obtained by adding a execution result time of the job to the execution start schedule date and time. In other words, claim 3 was construed to set the execution monitoring start and end date and time to be a period of time before the execution start schedule date to a duration of time after for which the job takes to execute.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 10 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed "program product" is non-statutory subject matter because it is not a "process, machine, manufacture, or

Art Unit: 4113

composition of matter, or any new and useful improvement thereof". A "program product" is software per se and cannot be construed to be any of the patentable subject matters.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tadokoro et al (US 6,463,352).

With respect to claim 1, Tadokoro teaches a job status monitoring method of monitoring statuses of jobs executed on a computer, comprising the steps of: acquiring schedule information (See table in figure 16D) indicating a schedule of execution of a job and setting an item of execution monitoring start date and time (See last radio button indicating a "From" date and time in figure 16B) indicating a date and time to start monitoring the job and an item of execution monitoring end date and time (See last radio button indicating a "To" date and time in figure 16B) indicating a date and time to finish monitoring the job; selecting, when a browsing time zone represented by an item of browsing start date and time indicating a day and a point of time to start browsing a monitored status and an item of browsing end date and time indicating a date and time to finish browsing a monitored status overlaps with a monitoring time zone represented

Art Unit: 4113

by the execution monitoring start date and time and the execution monitoring end date and time (See bottom right corner of table in figure 16D, where it states that query starts from 3/26/1998 8:00 to 10/27/1998 8:00 and the listed earliest job start time is 9/16/98 11:53 and latest job end time is 9/17/98 3:17, therefore the browsing time overlaps the monitoring times), a job to which the execution monitoring start date and time and the execution monitoring end date and time are specified (See figure 16D) and setting the job as a monitoring item to be monitored (the table in figure 16D in the reference are jobs displayed and when a user views this information, the user is inherently monitoring the jobs); and creating monitor screen data (See figure 16D) to display a monitored status of the job selected as the browsing item.

With respect to claim 2, Tadokoro teaches a job status monitoring method according to claim 1, further comprising the step of setting the execution monitoring start date and time item (See last radio button indicating a "From" date and time in figure 16B) and the execution monitoring end date and time item (See last radio button indicating a "To" date and time in figure 16B) using the execution start schedule date and time item of a job and a execution result time obtained from a result of execution of the job (the use of the execution start schedule date and time item of a job and a execution result time obtained from a result of execution of the job is inherently used setting the execution monitoring start and end time date and time by selecting a desired monitored time frame to display a list of relevant jobs, with respect to date and time, on the table as shown in figure 16D).

With respect to claim 3, Tadokoro teaches a job status monitoring method according to claim 2, further comprising the step of setting the execution monitoring start date and time item (See last radio button indicating a "From" date and time in figure 16B) and the execution monitoring end date and time item (See last radio button indicating a "To" date and time in figure 16B) by adding a predetermined period of time before and after a time zone between the execution start schedule date and time of the job and a point of time obtained by adding a execution result time of the job to the execution start schedule date and time (as shown in figure 16D, the monitoring date starts from 3/26/1998 8:00 to 10/27/1998 8:00 and the listed earliest job start time is 9/16/98 11:53 and latest job end time is 9/17/98 3:17, showing a predetermined period of time before and after the execution start schedule date to a duration of time after for which the job takes to execute).

With respect to claims 9 and 10, Tadokoro teaches a job status monitoring system and the program product for making a computer serve as a job status monitoring system for monitoring statuses of jobs executed on a computer, respectively, comprising: a monitoring item acquiring unit (Machine Monitoring Object 7, see figure 1) which acquires schedule information (See table in figure 16D) indicating a schedule of execution of a job and setting an item of execution monitoring start date and time indicating a date and time (See last radio button indicating a "From" date and time in figure 16B) to start monitoring the job and an item of execution monitoring end date and time (See last radio button indicating a "To" date and time in figure 16B) indicating a date and to finish monitoring the job (Column 8, lines 39-47); a browse screen display

Art Unit: 4113

time adjusting unit (See figure 16B, this screen which allows for time adjusting, is inherently viewed on a computer which is a browse screen display) which selects, when a browsing time zone represented by an item of browsing start date and time indicating a date and time to start browsing a monitored status and an item of browsing end date and time indicating a date and time to finish browsing a monitored status overlaps with a monitoring time zone represented by the execution monitoring start date and time and the execution monitoring end date and time (See bottom right corner of table in figure 16D, where it states that query starts from 3/26/1998 8:00 to 10/27/1998 8:00 and the listed earliest job start time is 9/16/98 11:53 and latest job end time is 9/17/98 3:17, therefore the browsing time overlaps the monitoring times), a job to which the execution monitoring start date and time and the execution monitoring end date and time are specified (See figure 16D) and setting the job as a monitoring item to be monitored (the table in figure 16D in the reference are jobs and once displayed, a user who views this information is inherently monitoring the jobs); and a integrated monitor screen data generating unit (Machine Monitor Object 7, see figure 1) which generates monitor screen data (See figure 16D) to display a monitored status of the job selected as the browsing item.

Claims 1-3, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tognazzini (US 5,790,974).

With respect to claim 1, Tognazzini teaches a job status monitoring method of monitoring statuses of jobs executed on a computer, comprising the steps of: acquiring

Art Unit: 4113

schedule information (See figure 5) indicating a schedule of execution of a job and setting an item of execution monitoring start date and time (Items 302 and 304, see figure 5) indicating a date and time to start monitoring the job and an item of execution monitoring end date and time (See bottom of figure 5, where the cut-off after 2PM is the end time and the end date would be equal to the date as the same date as item 302) indicating a date and time to finish monitoring the job; selecting, when a browsing time zone represented by an item of browsing start date and time indicating a day and a point of time to start browsing a monitored status and an item of browsing end date and time indicating a date and time to finish browsing a monitored status overlaps with a monitoring time zone represented by the execution monitoring start date and time and the execution monitoring end date and time (In figure 5, the browsing time from 7/7/96 7AM to 2PM overlaps with the monitored execution date and times of each job), a job to which the execution monitoring start date and time and the execution monitoring end date and time are specified (See figure 5) and setting the job as a monitoring item to be monitored (Figure 5 in the reference display jobs and when a user views this information, the user is inherently monitoring the jobs); and creating monitor screen data (See figure 5) to display a monitored status of the job selected as the browsing item.

With respect to claim 2, Tognazzini teaches a job status monitoring method according to claim 1, further comprising the step of setting the execution monitoring start date and time item (Items 302 and 304, see figure 5) and the execution monitoring end date and time item (See bottom of figure 5, where the cut-off after 2PM is the end time and the end date would be equal to the date as the same date as item 302) using

the execution start schedule date and time item of a job and a execution result time obtained from a result of execution of the job (the use of the execution start schedule date and time item of a job and a execution result time obtained from a result of execution of the job is inherently used after setting the execution monitoring start and end time date and time by selecting and displaying a relevant job's date and time on the schedule as shown in figure 5).

With respect to claim 3, Tognazzini teaches a job status monitoring method according to claim 2, further comprising the step of setting the execution monitoring start date and time item (Items 302 and 304, see figure 5) and the execution monitoring end date and time item (See bottom of figure 5, where the cut-off after 2PM is the end time and the end date would be equal to the date as the same date as item 302) by adding a predetermined period of time before and after a time zone between the execution start schedule date and time of the job and a point of time obtained by adding a execution result time of the job to the execution start schedule date and time (as shown in figure 5, the monitoring date starts from 7/7/96 7AM to 7/7/96 sometime after 2PM and the listed earliest job start time is 7/7/96 8AM and latest job end time is 7/7/96 2PM, showing a predetermined period of time before and after the execution start schedule date to a duration of time after for which the job takes to execute).

With respect to claims 9 and 10, Tognazzini teaches a job status monitoring system and the program product for making a computer serve as a job status monitoring system for monitoring statuses of jobs executed on a computer, respectively, comprising: a monitoring item acquiring unit (Software Agent 16, see figure 1 and

Art Unit: 4113

Column 4, lines 60-63) which acquires schedule information (Column 4, lines 60-63) indicating a schedule of execution of a job and setting an item of execution monitoring start date and time indicating a date and time (Items 302 and 304, see figure 5) to start monitoring the job and an item of execution monitoring end date and time (See bottom of figure 5, where the cut-off after 2PM is the end time and the end date would be equal to the date as the same date as item 302) indicating a date and to finish monitoring the job (See figure 5); a browse screen display time adjusting unit (GUI 18 and Display 20, see figure 1) which selects, when a browsing time zone represented by an item of browsing start date and time indicating a date and time to start browsing a monitored status and an item of browsing end date and time indicating a date and time to finish browsing a monitored status overlaps with a monitoring time zone represented by the execution monitoring start date and time and the execution monitoring end date and time (In figure 5, the browsing time from 7/7/96 7AM to 2PM overlaps with the monitored execution date and times of each job), a job to which the execution monitoring start date and time and the execution monitoring end date and time are specified (See figure 5) and setting the job as a monitoring item to be monitored (Figure 5 in the reference display jobs and when a user views this information, the user is inherently monitoring the jobs); and a integrated monitor screen data generating unit (Software Agent 16, see figure 1 and Column 4, lines 60-63) which generates monitor screen data (See figure 5) to display a monitored status of the job selected as the browsing item.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tadokoro et al (US 6,463,352) in view of Oulu et al (US 6,792,460).

With respect to claim 4, all of the limitations of claims 1-3 have been addressed above. Tadokoro does not teach a job status monitoring method according to claim 3, further comprising the step of setting the predetermined period of time using an rate of operation of a computer executing the job and a number of abnormal terminations of the job. The Oulu reference teaches a application monitoring system for evaluating the performance of web-based or other software applications executed by an application server and the parameters of evaluating performance includes transaction response time and transaction pass/fail status (Column 4, lines 55-67). It would have been obvious at the time of the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have modified the cutting machine monitoring system of Tadokoro to include monitoring analysis of job performance and failures so a user can set the predetermined period of time to compensate for slow job responses. The motivation comes from the desirability of being able to determine if there are certain jobs with long response times so that the monitor time window can be set to a

predetermined time to monitor more jobs to compensate for those that take a long time (Oulu Column 9, lines 44-54).

With respect to claim 5, all of the limitations of claims 1-4 have been addressed above. Tadokoro does not teach a job status monitoring method according to claim 4, further comprising the step of obtaining a mean value of values of execution result time obtained as results of execution of the job. The Oulu reference teaches a application monitoring system that generates reports for monitored transactions containing averages of various types of transaction execution values (Column 9, lines 8-33). It would have been obvious at the time of the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have modified the cutting machine monitoring system of Tadokoro to include monitoring analysis of job performance as discussed above to further include reports of average values of execution result times. The motivation comes from being able to determine an approximate time for jobs to complete and also to determine if there are certain jobs with long average response times so that the monitor time window can be set to a predetermined time to monitor more jobs to compensate for those that take a long time (Oulu Column 9, lines 44-54).

With respect to claim 6, all of the limitations of claims 1-4 have been addressed above. Tadokoro does not teach a job status monitoring method according to claim 4, further comprising the step of calculating, using a relationship between the execution result time obtained as results of execution of the job and the rate of operation of a computer executing the job, an execution time optimal value indicating a period of time

Art Unit: 4113

required to execute the job at the rate of operation. The Oulu reference teaches an application monitoring system which report transactions breakdowns to allow administrators to assess the impact specific application components are having on overall server and end user performance (Column 10, lines 45-52). It would have been obvious at the time of the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have modified the cutting machine monitoring system of Tadokoro to have allowed the calculation of an optimal value for execution time using a relationship between the execution result time obtained as results of execution of the job and the rate of operation of a computer executing the job as discussed above. The motivation comes from a well-known desire to calculate and obtain an optimal value used for a time window to monitor jobs.

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tadokoro et al (US 6,463,352) and Oulu et al (US 6,792,460) as applied to claim 4 and 6 above, and further in view of Yamamoto et al (US 2002/0032839).

With respect to claim 7, all of the limitations of claims 1-4, and 6 have been addressed above. The Tadokoro and Oulu reference references do not teach a job status monitoring method according to claim 6, further comprising the steps of: correcting information of the date and time using a time difference between a browsing location at which the monitored status is browsed and an execution location at which the job is executed; and selecting a browsing item using the information corrected in the preceding step. The Yamamoto reference teaches a web browser cache mechanism

Art Unit: 4113

that corrects for time zone differences in time information such as date/time of check of browse information. It would have been obvious at the time of the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have modified the cutting machine monitoring system with the modifications as discussed above, further including a correcting means to correct for time zone differences between a browsing location and an execution location. The motivation comes from the problem of time zone conflicts, where a browsing location and an execution location will not always be necessarily be in the same area or country (Oulu, paragraph [0078] lines 24-27). A time specified in one part of the world, for example 2PM, is different from another part of the world, as being 2AM. Therefore it is necessary to correct for the time-difference in order to get the desired results.

With respect to claim 8, all of the limitations of claims 1-4 and 6-7 have been addressed above. The Tadokoro reference does not teach a job status monitoring method according to claim 7, further comprising the step of displaying, when an event indicating an abnormal termination of the job is received, the monitored status of the job also after a point of time indicated by the execution monitoring end date and time of the job. The Oulu reference teaches an application monitoring system where transaction performance, including transaction fail status, is monitored and stored in a central database to be viewed (Column 4, lines 55-67). It would have been obvious at the time of the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have modified the cutting machine monitor system of Tadokoro with the modifications as discussed above, further storing failure or abnormal

Art Unit: 4113

statuses in the database or current status and past status information corresponding to the cutting machines, maintained in DB server 13 in figure 1 (Column 8, lines 57-62).

The motivation comes from the well-known desirability of keeping track and recalling past system failures to diagnose. Not being able to view past failures could lead to more problems.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Shaffer et al (US 6,477,374) reference shows a telecommunication monitoring system that displays schedule information and setting a monitoring start/end time and date.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwok Wing Lee whose telephone number is (571) 270-3557. The examiner can normally be reached on Mon - Thu, 7:30-5:00.

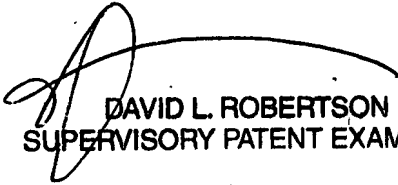
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Robertson can be reached on (571) 272-4186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4113

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KWL

Kwok W. Lee
10/11/2007



DAVID L. ROBERTSON
SUPERVISORY PATENT EXAMINER